

11/27/01

1135 U.S. PTO

PTO/SB/05 (03-01)

Approved for use through 10/31/2002. OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**UTILITY
PATENT APPLICATION
TRANSMITTAL**

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No. 81985/282428

First Inventor Grouzmann, et al.

Title Method of Treating Rhinitis or . . .

Express Mail Label No.

APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

1. ☒ Fee Transmittal Form (e.g., PTO/SB/17)
(Submit an original and a duplicate for fee processing)
2. ☒ Applicant claims small entity status.
See 37 CFR 1.27.
3. ☒ Specification [Total Pages 17]
(preferred arrangement set forth below)
- Descriptive title of the invention
 - Cross Reference to Related Applications
 - Statement Regarding Fed sponsored R & D
 - Reference to sequence listing, a table,
or a computer program listing appendix
 - Background of the Invention
 - Brief Summary of the Invention
 - Brief Description of the Drawings (if filed)
 - Detailed Description
 - Claim(s)
 - Abstract of the Disclosure
4. ☐ Drawing(s) (35 U.S.C. 113) [Total Sheets]
5. ☐ Oath or Declaration [Total Pages 4]
- a. ☐ Newly executed (original or copy)
- b. ☒ Copy from a prior application (37 CFR 1.63 (d))
(for continuation/divisional with Box 18 completed)
- i. ☐ **DELETION OF INVENTOR(S)**
Signed statement attached deleting inventor(s)
named in the prior application, see 37 CFR
1.63(d)(2) and 1.33(b).
6. ☐ Application Data Sheet. See 37 CFR 1.76

ADDRESS TO: Assistant Commissioner for Patents
Box Patent Application
Washington, DC 20231

7. ☐ CD-ROM or CD-R in duplicate, large table or
Computer Program (Appendix)
8. Nucleotide and/or Amino Acid Sequence Submission
(if applicable, all necessary)
- a. ☒ Computer Readable Form (CRF)
- b. Specification Sequence Listing on:
- i. ☐ CD-ROM or CD-R (2 copies); or
- ii. ☒ paper
- c. ☐ Statements verifying identity of above copies

ACCOMPANYING APPLICATION PARTS

9. ☒ Assignment Papers (cover sheet & document(s))
10. ☐ 37 CFR 3.73(b) Statement ☐ Power of
(when there is an assignee) Attorney
11. ☐ English Translation Document (if applicable)
12. ☒ Information Disclosure ☐ Copies of IDS
Statement (IDS)/PTO-1449 Citations
13. ☒ Preliminary Amendment
14. ☒ Return Receipt Postcard (MPEP 503)
(Should be specifically itemized)
15. ☐ Certified Copy of Priority Document(s)
(if foreign priority is claimed)
16. ☐ Nonpublication Request under 35 U.S.C. 122
(b)(2)(B)(i). Applicant must attach form PTO/SB/35
or its equivalent.
17. ☐ Other:

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

☐ Continuation ☒ Divisional ☐ Continuation-in-part (CIP) of prior application No.: 09 / 794,236

Prior application information:

Examiner:

M. Meller

Group Art Unit: 1651

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

19. CORRESPONDENCE ADDRESS☒ Customer Number or Bar Code Label00909
(Insert Customer No. or Attach bar code label here)or ☐ Correspondence address below

Name

Address

City

State

Zip Code

Country

Telephone

703/905-2173

Fax

703/905-2500

Name (Print/Type)

Michael A. Sanzo

Registration No. (Attorney/Agent)

36.912

Signature

Michael A. Sanzo

Date

11/27/01

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231.

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FEE TRANSMITTAL for FY 2002

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT

(\$) 320.00

Complete if Known

Application Number	to be assigned
Filing Date	herewith
First Named Inventor	Grouzmann, et al.
Examiner Name	
Group Art Unit	
Attorney Docket No.	81985/282428

METHOD OF PAYMENT

1. ☒ The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit
Account
Number

03-3975

Deposit
Account
Name

Pillsbury Winthrop LLP

- ☒ Charge Any Additional Fee Required
Under 37 CFR 1.16 and 1.17

- ☒ Applicant claims small entity status.
See 37 CFR 1.27

2. ☒ **Payment Enclosed:**

☒ Check ☐ Credit card ☐ Money
Order ☐ Other

FEE CALCULATION**1. BASIC FILING FEE**

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
101	740	201	370	Utility filing fee	370.00
106	330	206	165	Design filing fee	
107	510	207	255	Plant filing fee	
108	740	208	370	Reissue filing fee	
114	160	214	80	Provisional filing fee	

SUBTOTAL (1) (\$) 370.00

2. EXTRA CLAIM FEES

Total Claims	Extra Claims	Fee from below	Fee Paid
8	-20** = 0	0	0.00
2	-3** = 0	0	0.00
Multiple Dependent			

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description
103	18	203	9	Claims in excess of 20
102	84	202	42	Independent claims in excess of 3
104	280	204	140	Multiple dependent claim, if not paid
109	84	209	42	** Reissue independent claims over original patent
110	18	210	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$) 0.00

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)**3. ADDITIONAL FEES**

Large Entity Fee Code	Large Entity Fee (\$)	Small Entity Fee Code	Small Entity Fee (\$)	Fee Description	Fee Paid
105	130	205	65	Surcharge - late filing fee or oath	
127	50	227	25	Surcharge - late provisional filing fee or cover sheet	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for <i>ex parte</i> reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	
116	400	216	200	Extension for reply within second month	
117	920	217	460	Extension for reply within third month	
118	1,440	218	720	Extension for reply within fourth month	
128	1,960	228	980	Extension for reply within fifth month	
119	320	219	160	Notice of Appeal	
120	320	220	160	Filing a brief in support of an appeal	
121	280	221	140	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1,280	241	640	Petition to revive - unintentional	
142	1,280	242	640	Utility issue fee (or reissue)	
143	460	243	230	Design issue fee	
144	620	244	310	Plant issue fee	
122	130	122	130	Petitions to the Commissioner	
123	50	123	50	Processing fee under 37 CFR 1.17(q)	
126	180	126	180	Submission of Information Disclosure Stmt	
581	40	581	40	Recording each patent assignment per property (times number of properties)	
146	740	246	370	Filing a submission after final rejection (37 CFR § 1.129(a))	
149	740	249	370	For each additional invention to be examined (37 CFR § 1.129(b))	
179	740	279	370	Request for Continued Examination (RCE)	
169	900	169	900	Request for expedited examination of a design application	

Other fee (specify) _____

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$)

SUBMITTED BY

Complete (if applicable)

Name (Print/Type)

Michael A. Sanzo

Registration No.
(Attorney/Agent)

36,912

Telephone

703/905-2173

Signature

Michael A. Sanzo

Date

10/27/01

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

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PILLSBURY WINTHROP_{LLP}

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November 27, 2001

Assistant Commissioner for Patents
BOX: Patent Application
Washington, DC 20231

Re: New U.S. Patent Application
(Division of U.S. No. 09/794,236)
Appl. No. to be assigned
Filed: herewith
Title: **Method of Treating Rhinitis or Sinusitis**
Inventor(s): Grouzmann, *et al.*
Atty. Dkt.: 81985/282428

Sir:

The following documents are being forwarded herewith for appropriate action by the U.S. Patent and Trademark Office:

1. Form PTO/SB/05, Utility Patent Application Transmittal;
2. A copy of application no. 09/794,236, as filed in the U.S. Patent and Trademark Office on February 28, 2001, entitled:

METHOD OF TREATING RHINITIS OR SINUSITIS

and naming as inventor(s): Eric Grouzmann
Jean-Silvain Lacroix
Michel Monod

the application comprising:

14 pages of Specification (numbered as pages 1-14);
2 pages of Claims (numbered as pages 15-16);
a one-page Abstract (numbered as page 17); and
10 pages of Sequence Listing (separately numbered as pages 1-10);

Assistant Commissioner for Patents

November 27, 2001

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3. A copy of the Declaration (37 C.F.R. § 1.63) and Power of Attorney executed by inventors Eric Grouzmann, Jean-Silvain Lacroix and Michel Monod filed in the parent application (4 pages);
4. Preliminary Amendment (2 pages);
5. A 3.5 inch computer diskette containing a computer readable form of the Sequence Listing submitted as part of the application;
6. Information Disclosure Statement (2 pages);
7. List of References Cited by Applicant (4 pages);
8. A copy of the recorded Assignment to B.M.R.A. Corporation B.V. executed by inventors Eric Grouzmann, Jean-Silvain Lacroix and Michel Monod filed in the parent application (2 pages);
9. Form PTO/SB/17, Fee Transmittal for FY 2002;
10. Our check in the amount of \$370.00, representing the filing fee for this matter; and
11. Two (2) return postcards.

This application is a division of U.S. application no. 09/794,236, filed February 28, 2001.

In accordance with the requirements of 37 C.F.R. § 1.53(b), the present divisional application is being filed under the conditions specified in 35 U.S.C. § 120. The inventors named on this divisional application are the same as the inventors named on the parent and the application is being filed before the patenting, or abandonment of, or termination of proceedings of the parent application (09/794,236).

In compliance with 37 C.F.R. § 1.821(f), Applicants' undersigned attorney hereby states that the content of the paper and computer readable copies of the Sequence Listing are the same.

We are submitting an Information Disclosure Statement which cites references originally submitted in connection with U.S. 09/794,236. The present application relies upon 09/794,236 for priority under 35 U.S.C. § 120. Thus, in accordance with 37 C.F.R. § 1.98(d), copies of the listed references are not being resubmitted. If, for any reason, the Examiner cannot locate a listed reference, Applicants will be happy to submit a copy as a courtesy.



PILLSBURY WINTHROP^{LLP}

Assistant Commissioner for Patents

November 27, 2001

Page 3

It is respectfully requested that the attached postpaid postcards be stamped with the serial number of the above-named application and that these postcards be returned as soon as possible.

Very truly yours,

PILLSBURY WINTHROP LLP

Michael A. Sanzo

Michael A. Sanzo
Attorney for Applicants
Reg. No. 36,912

MAS:ct
Enclosures